

## Exhibit A

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

LANCASTER COUNTY, SOUTH CAROLINA, A  
BODY POLITIC.

Plaintiff(s)

vs.

LAWSON'S BEND, LLC, TRAVELERS CASUALTY  
AND SURETY COMPANY OF AMERICA, AND  
THE HARTFORD FIRE INSURANCE COMPANY.

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2016-CP - 29- 01172

FILED  
OFFICE OF CLERK  
OF COURT  
2016 OCT -5 AM 11:31  
CLERK OF COURT  
LANCASTER, SCSubmitted By: T. ALSTON DEVENNY  
FOLKS & DEVENNY, LLC  
POST OFFICE BOX 1657  
LANCASTER, SC 29721SC Bar #: 12057  
Telephone #: 803-286-6647  
Fax #: 803-286-8528  
Other: \_\_\_\_\_  
E-mail: \_\_\_\_\_

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

## DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.  
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.  
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.  
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

## NATURE OF ACTION (Check One Box Below)

- |  |  |   |  |
|--|--|---|--|
| <b>Contracts</b><br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input checked="" type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Fraud/Bad Faith (150)<br><input type="checkbox"/> Failure to Deliver/Warranty (160)<br><input type="checkbox"/> Employment Discrim (170)<br><input type="checkbox"/> Employment (180)<br><input type="checkbox"/> Other (199) _____ | <b>Torts - Professional Malpractice</b><br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br><input type="checkbox"/> Previous Notice of Intent Case # 20____-NI_____<br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299) _____                    | <b>Torts - Personal Injury</b><br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Assault/Battery (370)<br><input type="checkbox"/> Slander/Libel (380)<br><input type="checkbox"/> Other (399) _____   | <b>Real Property</b><br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499) _____  |
| <b>Inmate Petitions</b><br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599) _____   | <b>Administrative Law/Relief</b><br><input type="checkbox"/> Reinstate Drv. License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899) _____ | <b>Judgments/Settlements</b><br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Confession of Judgment (770)<br><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)<br><input type="checkbox"/> Other (799) _____ | <b>Appeals</b><br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Comm. (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) _____ |
| <b>Special/Complex /Other</b><br><input type="checkbox"/> Environmental (600)<br><input type="checkbox"/> Automobile Arb. (610)<br><input type="checkbox"/> Medical (620)<br><input type="checkbox"/> Other (699) _____<br><input type="checkbox"/> Sexual Predator (510)<br><input type="checkbox"/> Permanent Restraining Order (680)  | <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Pre-Suit Discovery (670)  |   |  |

Submitting Party Signature: 

SCCA / 234 (03/2016)

Date: OCTOBER 5, 2016

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR.  
Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA  
COUNTY OF LANCASTER  
Lancaster County, South Carolina, a  
body politic,

Plaintiff,

vs.

Lawson's Bend, LLC, Travelers Casualty  
and Surety Company of America, and  
The Hartford Fire Insurance Company,

Defendants.

IN THE COURT OF COMMON PLEAS  
SIXTH JUDICIAL CIRCUIT

SUMMONS

CASE NO. 2016-CP-29-01172

FILED  
OFFICE OF CLERK  
OF COURT  
2016 OCT -5 AM 11:32  
CLERK OF COURT  
LANCASTER, SC

TO THE DEFENDANTS ABOVE-NAMED:

You are hereby summoned and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said Complaint on the subscribers hereof at their offices, 104 South Catawba Street, Lancaster, South Carolina 29721-1657, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for a judgment by default to be rendered against you for the relief demanded in the Complaint.

October 5, 2016.

Lancaster, SC

FOLKS & DeVENNY, LLC  
Attorneys for Plaintiff

BY:

  
T. Alston DeVenny  
Post Office Box 1657  
Lancaster, SC 29721  
803-286-6647

STATE OF SOUTH CAROLINA )  
COUNTY OF LANCASTER )

IN THE COURT OF COMMON PLEAS  
SIXTH JUDICIAL CIRCUIT

Lancaster County, South Carolina, a  
body politic, )

Plaintiff, )

vs. )

Lawson's Bend, LLC, Travelers Casualty )  
and Surety Company of America, and )  
The Hartford Fire Insurance Company, )

Defendants. )

COMPLAINT  
CASE NO.: 2016-CP-29-01172

FILED  
OFFICE OF CLERK  
OF COURT  
2016 OCT -5 AM 11:32  
CLERK OF COURT  
LANCASTER, SC

THE PLAINTIFF ALLEGES THE FOLLOWING:

1. Plaintiff is the governing body of the County of Lancaster, State of South Carolina, and a political subdivision of the State of South Carolina.
2. Defendant Lawson's Bend, LLC is a corporation duly organized and existing under the laws of the State of Virginia, engaged in the business of property development in Lancaster County, South Carolina, with its principal unperformed development obligations in Lancaster County, South Carolina.
3. Defendant Travelers Casualty and Surety Company of America (hereinafter "Travelers") is a corporation organized and existing under the laws of the State of Connecticut, duly authorized and licensed to engage in the general surety business and performance bond business in the State of South Carolina.
4. Defendant Hartford Fire Insurance Company (hereinafter "Hartford") is a corporation organized under the laws of the State of Connecticut duly authorized and licensed to engage in the general surety business and performance bond business in the State of South Carolina.



Defendant Travelers and a copy of one performance bond of the Defendant Hartford is attached and incorporated herein).

8. Plaintiff duly performed its obligation to Defendant Lawson's Bend, LLC, but Defendant Lawson's Bend, LLC failed to properly perform its obligation in that it did not construct improvements at all or installed and constructed improvements so poorly that the improvements had to be reconstructed or reinstalled.

9. Plaintiff has incurred damages as a direct and proximate result of the failure of Defendant Lawson's Bend, LLC to properly perform its obligation. Damages for installation, remediation and repair costs exceed \$2,732,861.00.

10. On or before April 28, 2009, Plaintiff made multiple demands to Defendant Lawson's Bend, LLC to perform its obligation to properly install and complete improvements in Edenmoor development.

11. On April 28, 2009, and continuing to the present date Plaintiff demanded in writing that the Defendants Travelers and Hartford pay the full amounts of their respective bonds as damages for the breach of the condition of the bonds executed by Defendant Travelers and Defendant Hartford, respectively, but the Defendants have failed to and refused to pay.

12. For the foregoing reasons, Defendants Lawson's Bend, LLC and Hartford now owe Plaintiff \$83,492.50 and the same remains past due, owing and unpaid from Defendants to Plaintiff. The Defendants Lawson's Bend, LLC and Travelers now owe Plaintiff \$1,832,673.75 and the same remains past due, owing and unpaid from Defendants to Plaintiff.

WHEREFORE Plaintiff requests that the Court enter judgment against the Defendants, and each of them, as follows:

For \$83,492.50 as damages sustained by the Plaintiff, with interest, from Defendants Lawson Bend, LLC and Defendant Hartford Fire Insurance Company;

For \$1,832,673.75 as damages sustained by the Plaintiff, with interest, from Defendants Lawson's Bend, LLC and Defendant Travelers Casualty and Surety Company of America.

For Plaintiff's costs and expenses of the suit; and

For such other and further relief as the Court deems just and proper.

October 5, 2016  
Lancaster, SC

FOLKS & DeVENNY, LLC  
Attorneys for Plaintiff

BY: 

T. Alston DeVenny  
Post Office Box 1657  
104 S. Catawba Street  
Lancaster, SC 29721-1657  
(803)286-6647

October 5, 2016  
Lancaster, SC

LANCASTER COUNTY  
Co-Counsel for Plaintiff

BY: 

John L. Weaver  
Post Office Box 1809  
Lancaster, SC 29721-1809  
(803) 416-9426